<u>*REMARKS*</u>

In the foregoing amendments, the specification has been amended by adding descriptive headings at the beginning of each respective section. Also, minor typographical errors discovered in the specification have been corrected. Original claims 1-19 remain pending in the present application.

I.   Response to Suggested Specification Layout

Guidelines for the preferred layout for the specification were kindly suggested by the Examiner. In response thereto, section headings have been added to the specification as a matter of form to more closely conform to these guidelines.

II.   Response to 35 U.S.C. §102 Rejections

A.   *Anderson et al.*

Claims 1, 13, and 15-17 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Anderson et al.* (U.S. Patent No. 6,587,119). Applicants respectfully traverse this rejection on the grounds that *Anderson et al.* does not disclose each and every claim element.

1.   **Claims 1 and 13**

Claim 1 is directed to a method of displaying a digital image. The method includes acquiring a set of image data representative of a static image. The method further includes *"using a processing means to perform an analysis of the image data to identify characteristics of the image content."* The Office Action seems to allege that *Anderson et al.* discloses this claimed element. However, Applicants respectfully disagree with this contention. Although *Anderson et al.* discloses a method for defining a panning and zooming path across a still image during the interactive creation of a movie, the method does not use a <u>processing means</u> to analyze the image data for identifying characteristics of the image. Instead, *Anderson et al.* actually enables a <u>user</u> to define the position of a plurality of key frames, which dictate how an image is panned. *Anderson et al.* appears to teach well-known user-controlled panning and zooming, which requires the user to possess technical knowledge of the camera to manually create the panning and zooming. This conventional technique for

manual control is described in the background section of the present application. See, for example, the paragraph bridging pages 1 and 2.

Anderson's process requires the user to control the placement of the frames, zooms, time intervals, and other photographic parameters to create the desired motion effects (col. 5, lines 29-32). The path of panning is "manually determined by the user" through the placement of a sequence of key image frames in the image, the location of these key image frames determining the panning path (col. 5, lines 47-52). This user-controlled panning is not the same as *"using a processing means to perform an analysis of the image data"* as claimed. Therefore, *Anderson et al.* fails to disclose this aspect of claim 1. For at least this reason, it is believed that claim 1 is allowable over *Anderson et al.* and that the rejection should be withdrawn.

Dependent claim 13 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

2. Claim 15

Claim 15 is directed to a computer program that causes a computer to execute specific steps. One step includes acquiring a set of image data representative of a static image. Another step includes *"using a processing means to perform an analysis of the image data to identify characteristics of the image content."* The Office Action seems to allege that *Anderson et al.* discloses this element. Applicants, however, disagree. Although *Anderson et al.* defines a panning and zooming path across a still image during the interactive creation of a movie, this reference does not use a processing means to analyze the image data to identify characteristics of the image. Actually, *Anderson et al.* enables a user instead to define the position of a plurality of key frames. *Anderson et al.* appears to disclose conventional user-controlled panning, requiring technical knowledge of the camera on the part of the user to manually create the panning effect. Again, this conventional technique for manual control is described in the background section of the present application, *e.g.* in the paragraph bridging pages 1 and 2.

Anderson's process requires the user to control the placement of the frames, zooms, time intervals, and other photographic parameters to create the desired motion effects (col. 5, lines 29-32). The path of panning is manually determined by the user

through the placement of a sequence of key image frames in the image. The location of the key image frames in relation to each other determines the panning path (col. 5, lines 47-52). This user-controlled panning is not the same as *"using a processing means to perform an analysis of the image data"* as claimed. Thus, *Anderson et al.* fails to disclose this aspect of claim 15. For at least this reason, it is believed that claim 15 is allowable over *Anderson et al.* and the rejection should therefore be withdrawn.

3. Claim 16

Claim 16 is directed to a computer system comprising a processor, data port, and a video port. The processor is arranged to receive image data representative of a static image. The processor is further arranged to access the image data and *"perform an analysis of the image data to identify characteristics of the image content."* The Office Action seems to allege that *Anderson et al.* discloses this claimed element. Applicants respectfully disagree with this conclusion. Although *Anderson et al.* discloses a panning and zooming path being defined across a still image during the interactive creation of a movie, this reference does not disclose a processing means that performs an analysis of the image data to identify characteristics of the image. Instead, *Anderson et al.* actually enables a user to define the position of a plurality of key frames according to conventional user-defined panning as is well known.

Anderson's process requires the user to control the placement of the frames, zooms, time intervals, and other photographic parameters to create the desired motion effects (col. 5, lines 29-32). The path of panning is manually determined by the user through the placement of a sequence of key image frames in the image. The location of the key image frames in relation to each other determines the panning path (col. 5, lines 47-52). This user-controlled panning technique is different from the claimed processor that automatically *"perform[s] an analysis of the image data."* Thus, *Anderson et al.* fails to disclose this aspect of claim 16. For at least this reason, Applicants believe that claim 16 is allowable over *Anderson et al.* and that the rejection should be withdrawn.

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4. <u>Claim 17</u>

Claim 17 is directed to a method of displaying a digital image. The method includes inputting a set of image data representative of a static image into a processor and *"using the processor to automatically perform an analysis of the image data thereby to identify characteristics of the image content."* The Office Action seems to allege that *Anderson et al.* discloses this element. However, Applicants disagree with this assessment of the prior art reference. Although *Anderson et al.* discloses a method for defining a panning and zooming path across a still image during the interactive creation of a movie, the method does not use a processor to analyze the image data for identifying characteristics of the image. Instead, *Anderson et al.* actually enables a <u>user</u> to define the position of a plurality of key frames.

Anderson's process requires the user to control the placement of the frames, zooms, time intervals, and other photographic parameters to create the desired motion effects (col. 5, lines 29-32). The path of panning is manually determined by the user through the placement of a sequence of key image frames in the image, the location of the key image frames in relation to each other determining the panning path (col. 5, lines 47-52). This user-controlled panning is not the same as *"using the processor to automatically perform an analysis of the image data"* as claimed. *Anderson et al.* fails to disclose this aspect of claim 17. For at least this reason, Applicants believe that claim 17 is allowable over *Anderson et al.* and that the Examiner should kindly withdraw the rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires identity of the claimed process and a process of the prior art. The claimed process, including each step thereof, must have been described or embodied, either expressly or inherently, in a single reference. *See, e.g., Glaverbel S.A. v. Northlake Mkt'g & Supp., Inc.*, 45 F.3d 1550, 33 USPQ 2d 1496 (Fed. Cir. 1995).

B. *Martin et al.*

Claim 2 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Martin et al.* (U.S. Patent No. 6,256,061). It should be noted that claim 2 is actually a dependent claim that depends from independent claim 1. A rejection of a dependent

claim must address all the elements of the claim including the elements present in the independent claim and any intermediate claims. In this regard, Applicants respectfully traverse this rejection because *Martin et al.* does not disclose each and every claim element of independent claim 1.

Claim 1 is directed to a method of displaying a digital image. The method includes acquiring a set of image data representative of a static image and *"using a processing means to perform an analysis of the image data to identify characteristics of the image content."* *Martin et al.* discloses a method for providing a sequence of views of a wide-angle still image to give the perception of video motion. However, *Martin et al.* discloses that the user may assume control of the displayed image to more fully explore the image file (col. 6, lines 13-15). *Martin et al.* teaches that a user may select motion control effects by using a user interface 15 shown in FIG. 2. The user interface 15 allows the user to pan in one of eight different directions, and at different speeds, and to zoom in or out. However, *Martin's* method does not use a <u>processing means to analyze the image data for identifying characteristics of the image</u>, as claimed. For at least this reason, Applicants contend that claim 1, and likewise claim 2, are allowable over *Martin et al.* and respectfully requests that the Examiner kindly withdraw the rejection.

III. <u>Response to 35 U.S.C. §103 Rejections</u>

A. *<u>Martin et al. in view of Lau et al.</u>*

Claims 3, 18, and 19 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Martin et al.* (U.S. Patent No. 6,256,061) in view of *Lau et al.* (U.S. Patent No. 6,633,309). Applicants respectfully traverse this rejection.

1. <u>Claim 3</u>

It should be noted that claim 3 is a dependent claim that depends indirectly from independent claim 1. As mentioned above, claim 1 is believed to be allowable over *Martin et al.* because this reference fails to disclose every element of the claim. Furthermore, it is respectfully submitted that *Lau et al.* does not overcome the deficiencies of *Martin et al.* In this regard, *Lau et al.* also fails to teach *"using a processing means to perform an analysis of the image data to identify characteristics of the image content."* For at least this reason, it is believed that

claim 1 is allowable over the combination of *Martin et al.* and *Lau et al.* since these references, taken alone or in combination, do not teach or suggest every element of the claim. Since independent claim 1 is allowable over this combination, dependent claim 3 is believed to be allowable for at least the reason that it contains at least all the subject matter of independent claim 1.

2. Claims 18 and 19

Claim 18 is directed to a method of generating a moving image from a static image. The method includes inputting a set of image data representative of the static image into a processor and *"using the processor to automatically determine which of a number of predefined image characteristics are present in the image data."* The Office Action seems to rely on a previous rejection with respect to claims 2 and 17. However, it should be noted that the Office Action does not include any previous rejection in which the references of *Martin et al.* and/or *Lau et al.* are applied with respect to claim 17. Nevertheless, the combination of *Martin et al.* and *Lau et al.* do not teach or suggest the above-referenced aspect of claim 18. For at least the reason that this combination fails to teach or suggest every aspect of claim 18, it is believed that this claim is allowable over these references. Applicants therefore respectfully request that the Examiner kindly withdraw the rejection. If the Examiner believes that this claimed aspect is present in the prior art references, then the Applicants request that the Examiner specifically identify the location of such teaching in the prior art.

Dependent claim 19 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 18. *In re Fine, supra.*

B. *Martin et al.* in view of *Lau et al., Madrane, Foote et al....*

Claims 4-11 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Martin et al.* (U.S. Patent No. 6,256,061) in view of *Lau et al.* (U.S. Patent No. 6,633,309) and further in view of *Madrane* (U.S. Patent No. 6,573,907), *Foote et al.* (U.S. Patent No. 6,404,925), *Terashita et al.* (U.S. Patent No. 5,128,711), and *Anderson et al.* (U.S. Patent No. 6,587,119). Applicant respectfully traverses this rejection.

Claims 4-11 depend, directly or indirectly, from independent claim 1. Applicants assert that claim 1 includes aspects that are not discloses in the cited

references, taken alone or in combination. For instance, claim 1 includes *"using a processing means to perform an analysis of the image data to identify characteristics of the image content."* None of these references teaches or suggests such a feature. It is therefore believed that independent claim 1 is allowable over this combination. Likewise, for at least this reason, it is believed that dependent claims 4-11 are allowable. Withdrawal of this rejection is therefore respectfully requested.

C. *Anderson et al.* in view of *Uchihachi et al.* and *Madrane*

Claims 12 and 14 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Anderson et al.* (U.S. Patent No. 6,587,119) in view of *Uchihachi et al.* (U.S. Patent No. 6,535,639) and *Madrane* (U.S. Patent No. 6,573,907). Applicants respectfully traverse this rejection.

It should be noted that claims 12 and 14 depend from independent claim 1, either directly or indirectly. The Office Action seems to rely on *Anderson et al.*, as previously applied, to reject claim 1. However, as mentioned above, Applicants traverse the rejection of claim 1 as being anticipated by *Anderson et al.* because *Anderson et al.* does not disclose all aspects of claim 1, *e.g.* *"using a processing means to perform an analysis of the image data to identify characteristics of the image content."* Applicants further assert that *Uchihachi et al.* and *Madrane* do not overcome this deficiency of *Anderson et al.* since these references also fail to teach or suggest such an aspect. Because the cited references, taken alone or in combination, do not teach or suggest every aspect of independent claim 1, it is believed that claim 1 and any claim dependent therefrom, *i.e.* claims 12 and 14, are allowable over this combination. Applicants therefore respectfully request that the Examiner kindly withdraw this rejection.

In order to make a proper *prima facie* case of obviousness, three basic criteria must be met, as set forth in MPEP 706.02(j). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on
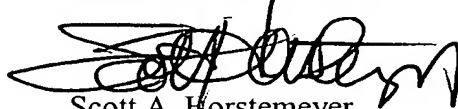
Applicant's disclosure. As mentioned above, it is believed that the references, when combined in the various combinations, do not teach or suggest all the claimed limitations.

Furthermore, Applicants assert that the various combinations as applied against the claims of the present application do not include teachings that would lead one of ordinary skill in the art to combine the references as suggested in the Office Action. "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so." *ACS Hospital Systems, Inc., v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). None of the above-cited references, taken alone or in combination, provide an impetus necessary to cause one of ordinary skill in the art to combine the teachings of the references in the way the Examiner has suggested.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all rejections have been traversed and that the pending claims 1-19 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at (770) 933-9500.

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